# REMARKS

## FORMAL MATTERS

The Specification on page 10, lines 13, 31 and 35 is amended to correct typographical errors. In addition, the Specification is amended on page 12, lines 4-11 to disclose the complete name and address of the public depository. No new matter is added.

Claims 1-10, 15, 20 and 25-54 are pending after entry of the amendments set forth herein.

Claims 40-51 are withdrawn.

Claims 11-14, 16-19, and 21-24 are cancelled without prejudice.

Claims 9, 25, 33 and 36 are amended to correct typographical errors.

Claims 3-8, 10, 15, 20 and 29 are amended to further clarify the claim language.

New Claims 52-54 are added. Support for these claims is found throughout the specification and claims as originally filed, for example at page 3, line 18 to page 5, line 14; and Claims 10-24.

No new matter is added.

The Examiner is thanked for the indication that Claims 2, 27, 28 and 33-35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, the Applicant notes that the Office Action Summary indicates that Claims 30-32 are rejected. However, Claims 30-32 are neither objected to nor rejected in the Detailed Action. Clarification is respectfully requested.

## REJECTIONS UNDER §112, ¶ 1

Claims 3-8 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The undersigned provides herewith a Declaration Regarding Biological Deposits, which states that the hybridoma cell lines under ECACC accession numbers 00110609, 02090226 and 02090227 producing the antibodies 7F3, 6C12 and 12D4, respectively; have been deposited in an acceptable depository; and that the criteria set forth in 37 C.F.R. §§ 1.801-1.808 have been met.

Claims 10-24 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Specifically, the Examiner asserts that "the specification, while being enabling for an antibody comprising all six of the CDR regions of an antibody produced by one of the hybridomas disclosed as 00110609, 02090226 and 02090227, does not reasonably provide enablement for the broad recitation of an antibody comprising only one or two on the individual CDR regions of an antibody or of only the heavy or light chain." Office Action, pg. 3, § 3, ¶ 1.

As indicated above, Claims 10, 15 and 20 have been amended to clarify the claim language. In addition, Claims 11-14, 16-19, and 21-24 have been cancelled without prejudice, and new Claims 52-54 have been added. In light of the above amendments, the Applicant submits that this rejection has been adequately addressed and respectfully request withdrawal of this rejection.

**REJECTIONS UNDER §112, ¶ 2**

Claims 3-8 and 29 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As indicated above, Claims 3-8 and 29 are currently amended to reflect the Examiner's amendments suggested in the April 4, 2008 Office Action. As such, the Applicant submits that those skilled in the art would understand what is claimed when the claim is read in light of the specification, and respectfully request withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of Claims 3-8 and 29.

**REJECTIONS UNDER §102**

Claims 1, 9, 25, 26 and 36-39 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Farkas et al. (NeuroReport (1999) 10:3021-3025).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The standard for anticipation under section 102 is one of strict identity. An anticipation rejection requires a showing that each limitation of a claim be found in a single reference. *Atlas Powder Co. v. E.I. DuPont de Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984). Further, an anticipatory reference must be enabling, so as

to place one of ordinary skill in possession of the claimed invention. See *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). To anticipate a claim, a prior art reference must disclose every feature of the claimed invention, either explicitly or inherently. *Glaxo v. Novopharm, Ltd.*, 334 U.S.P.Q.2d 1565 (Fed. Cir. 1995).

In making this rejection the Examiner asserts that "Farkas et al teaches 4C8, a monoclonal IgM antibody that is reactive with amino acid residues 101-116, the first extracellular loop, of C5a receptor". Office Action, pg. 5, § 5, ¶ 2 (citing Farkas, pg. 3022, col. 1).

The Applicant respectfully disagrees. Claims 9, 25, 26 and 36-39 ultimately depend from Claim 1. Claim 1 is directed to an "antibody that is reactive with an extracellular loop(s) of C5aR other than the N-terminal domain, wherein the antibody reduces or inhibits the binding of C5a to C5aR."

The Applicant submits that Farkas does not disclose that antibody 4C8 is reactive with amino acids 101-116. Farkas actually only discloses that "The 4C8 IgM, monoclonal, murine anti-human C5a receptor antibody was a generous gift of Professor Teizo Fujita (Department of Biochemistry, Fukushima Medical School, Fukushima, Japan). Farkas, pg. 3022, col. 1, second full paragraph (citations omitted). Nowhere does Farkas disclose to what amino acids antibody 4C8 reacts. Thus, Farkas does not disclose each and every element of the Applicant's claimed invention, and this rejection may be withdrawn for this reason alone.

In fact, the only specific antibody reactivities that Farkas describes are for monoclonal antibodies C5aR101-116 and C5aR227-243. Farkas discloses that "C5aR101-116, IgM isotype, was a monoclonal murine antibody raised against the peptide fragment of C5aR corresponding to amino acids 101-116. C5aR227-243, IgM isotype, was a murine monoclonal antibody raised against the peptide fragment of C5aR corresponding to amino acids 227-243." Farkas, pg. 3022, col. 1, second full paragraph (citations omitted). However, the Applicant explicitly defines the claim term "extracellular loop" as follows:

> By 'extracellular loop' we mean either the first extracellular loop (residues 95 to 110), the second extracellular loop (residues 175 to 206) or the third extracellular loop (residues 265 to 283) of C5aR.

Specification, pg. 2, lines 22-24.

Consequently, neither C5aR101-116 nor C5aR227-243, as disclosed by Farkas, are "reactive with an extracellular loop(s) of C5aR other than the N-terminal domain", as claimed by the Applicant. As such, Farkas does not disclose each and every element of the Applicant's claims, and this rejection may be withdrawn.

Even assuming that antibody C5aR101-116, as disclosed by Farkas, may have been raised against a portion of the first extracellular loop (i.e., residues 95 to 110), Farkas still does not disclose the elements of an "antibody that is reactive with an extracellular loop(s) of C5aR other than the N-terminal domain, wherein the antibody reduces or inhibits the binding of C5a to C5aR", as claimed by the Applicant. Farkas actually discloses that "exposure of cells to C5a did not affect the C5aR-specific staining when the C5aR101-116 antibody was used (Fig. 1B)." Farkas, pg. 3023, col. 2, first full paragraph; and FIG. 1(B). Consequently, Farkas does not disclose that antibody C5aR101-116 "reduces or inhibits the binding of C5a to C5aR", as claimed by the Applicant.

Therefore, the Applicant submits that Farkas is deficient because it does not disclose each and every element of the Applicant's claimed invention, and the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of Claims 1, 9, 25, 26 and 36-39.

**CONCLUSION**

The Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RICE-032.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

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Enclosures:

- Statement of Availability of Biological Deposit

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